326 778 243 The lower compartment contains millet from a field called kongobwona foro, reserved for the needs of the cult of the forge. This land is placed under the guardianship of the patriarch belonging to the Gwonna family, and its upkeep is assured by the community. The seeds are given by each blacksmith to the old man who sows them himself. The work of cultivation and threshing is done communally. The millet is stored in the old man's granary and each blacksmith receives a share. This share is not eaten, but is put aside. From time to time the artisan takes a few seeds which he places as an offering on his altar, and which remain for a time in the compartment reserved for them; then they are considered to have been eaten by the axe and are removed and replaced by others. Part of the millet is kept as seed for the following year.

326 778 789 Each compartment is open and the blacksmith may insert his fingers; if his earnings are insufficient, he rubs his body and tongue with the hand which he has just dipped into the pocket containing money; the price, set by the spoken word, will not be questioned by the client. If he goes to work in his field, he places his hand into the millet each morning to draw upon the strength it contains and to improve the results of his agricultural work. If he burns himself while working at the forge, he dips his fingers into the third compartment and cools himself in Faro's water. It is this same water which a young artisan must drink at the beginning of his apprenticeship.

326 778 776 The triangular iron, farabye, which constitutes the axe proper is placed under the power of three spirits belonging to the group of air spirits: A gayru who revealed iron to men; Tengu who taught them Faro's supremacy; and Gullé. The first two are the masters of the bellows and direct the work as a whole; the third does their bidding and teaches men the technology of ironwork (1). When the owner

1. The spirit would have refused to teach the blacksmiths the working of copper and gold, as these two metals belonged to Faro who reserved for himself the right to use them. Since iron was black he had abandoned its use to the spirits of the air.

of the altar dies, the /121/ axe is removed and placed in the village sanctuary where the ancestral tools are kept. But the remaining objects are inherited by the son. [428]

778
794
773
241

the latter abandoned their hoes in order to watch them. The birds fetched water with their beaks on the shore of a neighboring pond and returned to pour it at the foot of a millet stalk, the ear of which was not yet formed. The men put a mark on this stalk in order to recognize it and later observed that it produced a finer ear than the others. Imitating the bird, they dampened their plantings and watered their fields; their harvest was considerably improved by it. They kept up this habit and, in acknowledgment, produced a cult to the Sago spirit whose emissaries the birds were and who comes to slake his thirst at the Čuafeblá."

778 it is the object of sacrifices when important business is being handled:
794 marriage, private or administrative action, fight against an epidemic.
[428] A son may inherit his father's altar and keep it with his own which he wears tied to his hip.

The Čuafebyẽni (literally, little horn at the hip) is composed of a cowrie, taken from Faro's granary, copper which is the altar's soul /133/ (ni), pepper, charcoal, and honey. This mixture is introduced into a ram's horn decorated with cowries at its opening and often wrapped in a red cloth bearing the same ornamentation.

[782] The altar is consecrated on those of the Komo, over which it is passed seven times. The throats of victims are cut, their blood is collected in a gourd, and the boli dipped into it three times before being taken out in the sun to dry.

Its role is one of protection. Its owner carries it during the Komo ceremonies to defend himself against spells, korti, which may be cast by someone in the audience.

It also maintains the integrity of its owner's forces. If the latter faints or goes into a trance, he is returned to his normal state by completely renewing the ingredients which constitute it. When the horn is emptied of its contents, "both the soul of the altar and that of the man" are removed. The container is rinsed out with water from the

*173 Since Ma-koro felt incapable of restoring peace between her children, she sought the intervention of Massa Taraoré, chief of Sou, near Diaba. The latter asked the help of Massa Taraoré or Sou ba, near Sansanding, and of Massa Doua-n-tan of Kama-na.

All three came to Farko, whither they summoned Ngolo's sons.

Ma-n-son came alone; Nyana-n-kolo was accompanied by two of his brothers. The three Massa insisted vigorously that Ngolo's last wishes be honored by his children and added in conclusion: "Didn't he himself have to wait a long time? He never complained, he never rebelled against the established order of succession." Nyana-n-koro remained inflexible and went off, saying: "My brother Ma-n-son has tricked me. He acted without my knowledge, treating me as something negligible. Any agreement between us is out of the question."

Ma-koro then appealed to the marabouts of Ségou-Sikoro and Togou. But Nyana-n-koro refused to heed their advice either. [428] "Under Moslem law," he asked, "what is done with the effects of a dead man?" "They are divided among his children," they replied. "Very well, that is what I want and what has been unjustly refused me."

Ma-koro summoned two other marabouts: Birama Kané of Sien and Kakamoko Abdoullahi Diari of Niamina. [78] In order to get rid of them, Nyana-n-koro gave each of them a mare, 100,000 cowries and 30 gros of gold, saying: "It's useless to insist; even if Ngolo himself implored me, I wouldn't yield."

Finally Nzan-fato, thinking to overcome Nyana-n-koro's stubbornness, appealed to those sentiments most likely to be susceptible of influence. "I'm older than your father," he told him. "You are my son and, if only for that reason, you should heed me; you cannot fail to respect the last wishes of your father." But Nyana-n-koro replied without emotion. "The time for words has passed -- all that matters rest between Allah and myself."

Nyana-n-koro opened hostilities one Sunday with a raid around Ségou; thus he took 200 prisoners, whom he carried off to

The Patriarchal Community

428 When the fa is dead, all his property remains jointly among his legal heirs, thus constituting a patriarchal community whose investigation has two parts: the community of persons and the community of property. [173]

I. The Community of Persons

596 614 Members of the community. The patriarchal community is made up solely of the legitimate descendants of the deceased fa: immediate descendants (sons and daughters), or his descendants exclusively in the male line (descendants of his sons and grandsons).

The descendants of the fa through his daughters are outside the community since they belong to the patriarchal communities of their respective fathers.

428 596 614 If, at his death, the fa leaves no male heirs, there can be no patriarchal community; his property is divided among his daughters or, if there are none, among his brothers. If only a father or mother or some other ascendant were left, his property would go to them, or if he leaves only daughters, his property goes to them, but in either case there will no longer be a community.

848 596 614 578 Legitimacy is the necessary and sufficient condition for inclusion as a member of the community. A legitimate child is one born of a marriage, that is, of a union between two free individuals that conforms to custom. When slavery introduced concubinage into the household, however, the rule was relaxed because a free man was unwilling to have his sons slaves. In practice, therefore, maternity resulting from intercourse with a free man frees his concubine from slavery, and the children of the union become members of the community. This dangerous privilege is often contested by agnate brothers born of free mothers.

Given the diversity of conjugal bonds, ranging from marriage to free union, it is easy to imagine the discussions that

596 opinion of those around him, his intimates and friends. He
614 exercises the right of agrarian usufruct over the lands under cultivation, and he may dispose of movable property without restriction. As regards persons, his own issue [218] are at his mercy, and he profits from their labor. He can hire them out, put them up for security, sell them, and even put them to death. He has the right of conjugal usufruct over his wives, and his slaves are merely chattels.

Patriarchal faya. This differs in extent from the foregoing. Anything connected in whatever way to the patriarchal community itself or to the family communities under its authority comes under the patriarchal faya.

Though the maintenance of this power presents no problems in theory, practice is quite another matter.

The fact is that the fa of a familial community is completely subject to a patriarch only if, being connected through the male line, he has some property in the patriarchy or intends to claim rights in it.

If this is not the case, the familial fa acts as though he did not belong to the patriarchy, and the latter can only treat him accordingly. This is what happens when a "son" goes off, establishes himself far away, and prospers there by his own efforts and at his own risk. Breaking all agnatic ties, he in fact frees himself from any authority that his patriarchy might seek to impose upon him.

This has produced innumerable dissident branches which have the same dyamu but which can only hypothetically trace their descent through the males back to a common male ancestor.

Inheritance. It is necessary, first, to know whether the
●428 deceased was a fa or a fantan', that is, whether he exercised the authority of a fa or was under the authority of a fa.

Let us say the deceased was a fa.

In principle, if he was fa of a family, everything belonging to him remains undivided under the new faya of his eldest son.

If he was fa of a patriarchy, a new patriarch succeeds him.

It is unnecessary to belabor these points or the consequences of the variations in view of the details given above.

428 Now let us say the deceased was a fantan', that is, he did not exercise a faya. [219]

A son who dies before becoming fa rarely leaves any property. If he should by chance do so, such wealth theoretically belongs to the community of which he was a member. The disposition of property from special sources must be settled according to the nature of the source. Thus, property which the deceased may have inherited from his mother would go to his uterine heirs.

What has just been said of a son applies all the more to a daughter, since, after all, she is nothing more than a kind of property belonging to the community.

428 567 The most hapless fantan' is the slave. In principle, he could hardly be expected to leave an inheritance since even his own person does not belong to him. In fact, however, the situation is quite different. A slave generally does have some property and may even be very rich. His fa allows him the use of his property for his lifetime, and it is current practice for him to leave it likewise to his children. As a result, everything transpires just as though the deceased were a free man, and what we have said about other communities applies to this type of community which, strictly speaking, has only a kind of de facto existence. The action of custom, in freeing the slave, gives him access to the position of a free man without depriving him of what his fa has allowed him to enjoy. In the end, this enjoyment of use is gradually transformed and strengthened by inheritance until it is the equivalent of similar rights to property which are accorded to men born free.

596 614 Order of succession. Patriarchal community. The fa is the eldest of the surviving males who are direct descendants in the male line of the fa who founded the community.

428 596 614 Familial community. 1. The eldest surviving son of the deceased; upon his death, succession follows the same pattern as for the patriarchal community.

If there are only daughters, the property is divided among them.

428 596 614 2. If there are no children, the collateral males and, lacking them, ~~the~~ wives.

3. If there are no collateral relatives, the ascendants.

4. If there are no ascendants, the surviving spouse.

5. If there is no surviving spouse, escheat occurs: [220] the inheritance reverts to the head of the settlement, the dugutigi, when this settlement is independent; otherwise to the head of the clan, the fama.

596 614 The community and the individual. The result of the foregoing is that the individual, whoever he may be and whatever his situation, has no value except as a member of a community (1); it is the community that exists and has an identity,

[567] 1. A slave has no rights because, as a person, he belongs to no community.

while the individual exists and is identified only through the community and for the community.

An individual who exists apart from any faya is, therefore, an anomaly, and this situation comes to an end as soon as the individual himself becomes fa.

596 614 There are cases, however, when an individual is put out of his community because of his own action or because of circumstances, and extraordinary changes of status result.

626 Anyone driven from his community for bad conduct loses his rights to the faya in that community.

564 558 If his disqualification results from the practice of a trade regarded as degrading, he falls into what the Bambara call nyama-ka-la and Europeans call "people of caste." Henceforth he is not only excluded from his community, but he lives apart from all persons not declassed; he is a free man of inferior standing. He usually lives under the protection of a community of persons not declassed, earning his living from it and deriving from it such consideration as may be sometimes given him.

564 463 Among the Bambara, the nyama-ka-la include: the numu, blacksmiths, whose wives are usually potters; the loro, who work with copper; the garanke, who work leather; and the kule, who work with wood and are sometimes saddlers.

689 Public violation of decency is punished by death.

For adultery, the man is put in irons and pays a fine, the
684 woman is whipped by her husband, her brothers, or the Fama's police. Relations with a woman in mourning draws public scorn on the guilty, while a man who commits adultery with a pregnant woman is put to death. A captive who is the lover of his master's wife is put to death.

689 Vagrant individuals are presumed to be escaped captives and are handed over to the Fama.

735 Finally, begging is authorized, because, say the Bambara, it is better to have begging than stealing.

d. Responsibility

[608] The Fama judges all his subjects, except his own sɛ̀nanku whom
672 he has judged by his tribunal. The law is applicable to every circumcised man and excised woman recognized as sane. (The demented are put in irons.) They are responsible for their acts, but the family of the guilty is also responsible. The father of an uncircumcised boy is responsible for the boy's acts, the husband for the acts of his wife, and we have seen that a man's crime may lead to the punishment of his whole family. Let us further remark that a
567 master was judge of his slave, but when a difference arose between
692 slaves of different houses, their case was referred to the tribunal. The tribunal also weighed the death penalty [72] when a slave com-
[609] mitted a grave fault. Finally, the foreigner who lives in the Bambara country is judged by Bambara laws.

672 We must also note that the penalties apply to all crimes committed voluntarily; every infraction or damage involuntarily committed is excusable on the condition that it be immediately confessed. Thus it is that a hunter meeting a pair of lovers in the
[684] bush may kill them for outraging public decency, but must admit his crime immediately upon returning to the village.

e. Inheritance

428 Monteil has noticed an order of succession in the Ségou region which does not correspond to that described by other authors, such as Ortoli or Aubert. In fact, at the death of the fa, " ... everything that belonged to him remains undivided under the new faya of

428 his oldest son. If there are only daughters, the goods are divided among them. Secondly, if there are no children, the heirs are the collateral males, or, in the absence of these, the collateral females. Third in line, if there are no collateral relatives, are relatives of preceding generations. In default of these, the fourth in line is the surviving spouse. If there is none, the estate is without heir, it goes to the head of the settlement (the dugu-tigi) when the settlement is an independent one, to the Fama in the contrary case (1)."

1. Monteil, Les Bambara du Ségou et du Kaarta [The Bambara of Ségou and Kaarta].

428 In the Bougouni region, Aubert distinguishes two orders of
587 succession: "First, that which concerns disposition of the women,
562 second, that which concerns disposition of the privileges and wealth of the faya ... as far as the disposition of women is concerned, the men succeed each other in the following order: 1. the younger brother in order of primogeniture; 2. the men of the following generation in order of primogeniture; 3. the Fama ... And as far as wealth is concerned: 1. the oldest brother; 2. the son (always in order of primogeniture); 3. the father; 4. the younger brother in order of primogeniture; 5. the oldest relative; 6. the Fama." (2)

2. Aubert, Coutume bambara (cercle de Bougouni) [Bambara Custom (Bougouni Circle)].

Women can neither inherit nor transmit.

428 For the Bamako circle, Ortoli sets forth the following rules of succession: " ... Only men, in the following order, have rights of succession: 1. full brothers of the deceased in order of primogeniture, 2. half-brothers on the father's side in the same order; 3. sons of the deceased in the same order; 4. nephews of the deceased in the same order and following the order of primogeniture of the full and half-brothers (on the father's side); 5. grandsons and grandnephews following the same rule of order; 6. the village; 7. the Fama ... But as concerns the personal patrimony, the order of inheritance is as follows: 1. younger full brothers in order of primogeniture; 2. younger half-brothers on the father's side in order of primogeniture;

428 3. and 4. as above for the head of the family; 5. oldest full brother; 6. oldest half-brother on father's side; 7. the family; 8. the village; 9. the Fama ... Married women may transmit personal property in the following order: 1. her oldest son; 2. her husband's oldest son by another wife; 3. the husband; 4. the woman's family ... [587] At the death of her [73] husband, a woman is not required to marry his heir." (1)

1. Ortoli, Coutume bambara (cercle de Bamako) [Bambara Customs (Bamako Circle)].

851 We should explain here the notion of seniority which is not always easy to distinguish in a polygamous society. As a matter of fact, when two wives of the same husband bear children at roughly the same time, an intermediary announces the births to the fa, and the first baby to be announced is considered to be the oldest. It may even happen that the first one to be announced is in fact the last-born; [845] he nevertheless remains the senior. In the case of twins, the senior is the one brought forth last, for it is thought that twins are not conceived at the same time, and that the last-born is the one first con- [551] ceived. Certain special names are used for the oldest children: N'tyi for boys, Nya or Nyélé for girls.

643 At the Fama's death, several lines of succession are involved: that of his own family, that of the family community, and that of the patriarchy.

As far as election to the title of Fama is concerned, we have seen how the new Fama was the senior male of the same generation and same family as the deceased Fama, or the eldest of the following generation. It is noteworthy that in the case of no male heir, the succession passes to the Fama's daughter whose husband governs in her name; but that is an exceptional case.

643 644 When the new Fama is designated by the notables, he occupies the fortified residence of the previous Fama, where the founding ancestor is buried; the women and children of the deceased Fama must leave these premises. While his father lived, the Fama's eldest son led a luxurious and independent life; he often commanded an important dugu, sometimes founded by himself. At his father's death, he is a very important person for the new Fama.

562 When the husband dies, the wives are considered the principal
428 wealth of the heir. Among certain Bambara, the wives are divided
768 among the brothers; the eldest brother chooses and then has the other
587 brothers choose in order of age. Among others, the heritage goes to the children who must ally themselves with their father's wives. The wives who do not want to remain with the heir have the option of returning to their families, providing the settlement is returned.

The wife may have personal property given to her by her
428 parents at the time of marriage. Among certain Bambara, the
562 father of the bride must give her the settlement paid by the husband, and this becomes her personal property. When a widow dies, all of her goods go to her eldest son; if there is no son, half of her goods goes to her daughters, and the other half is divided among her father, her mother, and her brother. When a married woman dies without children, her goods are divided between her husband and her father; if she no longer has her father, half goes to her husband and the other half to her brothers and sisters.

On the other hand, we have seen how a woman may inherit all of the wealth of a family head, and even of a chief, in default of male heirs, and the Mali empire had a woman Keïta at its head, daughter of Naré, fa Maghan.

A woman must not take part in any political discussion or
562 demonstration, which does not mean that her role in these matters
662 is nil. All the history of Mali is full of palace intrigues which reach their acute stage at the moment of a Fama's death and of the election of a new chief. It is at this moment that the women knew how to throw into the balance all the weight of their family's power to determine the new election.

Finally, we have seen that in a fashion parallel to the male
562 brotherhoods and societies, the women were organized into powerful
561 hierarchical societies according to their age classes and their degree
575 of initiation. These societies, where men do not enter, are still imperfectly known, but they are at least as formidable as the male brotherhoods.

The woman must pound the millet, draw water, and carry out
562 all the household chores, but when the man kills an animal, the meat belongs to the wife, and the man must accept in turn what she will give him.

765 Malakou, salakou
Fari ɔ, fari doun ka di." (2)

2. A song heard in Bani country. Since these songs are often improvised, they differ from one region to another.

Translation: "Ah! how pleasant it is to eat mashed beans (fari) and to eat all one's fill, ah! how pleasant it is to eat mashed beans!"

The excised daughters and grandaughters of the deceased wear mourning for about eight to ten days. During this time they stay in the b'lon, or entry hut, and spin cotton. The only noteworthy fact [513 514] is that they all sleep in the same hut and attend to the wants of nature at set times, going to the bush evening and morning in Indian file with white veils on their heads. For the whole moon following the [293] death, the wife (the wives if the old man was polygamous) of the deceased wear sandals of goatskin and go out dressed only in white.

At the end of the moon, the wives of the deceased become the 768 property of the head of the family, who makes them his own or gives 562 them to his circumcised children (3). Some freedom is left to them, ● 428

3. Brothers succeed brothers. If there are no brothers, the oldest son inherits. If the deceased is younger than the brother who inherits, the latter possesses the wives but may not enjoy them. If the heir is the son of the deceased, all the father's or grandfather's wives belong to him, and he may enjoy them all except his mother.

for they can ransom themselves if they wish, and for the old and worn, difficulties are soon smoothed away. If the new family head is without a brother and without children or if he is older than the deceased,